IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.6533 of 2008
BIJENDRA DUBEY
Versus
THE STATE OF BIHAR
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02. 07.05.2008 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner is an accused for offences punishable under sectiions323, 379, 504, 386, 307 and 420 of the Indian Penal Code as well as sections 3 and 4 of Explosive Substance Act. Learned counsel for the petitioner submits that police has submitted charge sheet on 06.11.2007 against the petitioner for the offences punishable under sections 323, 504 and 406/34 of the Indian Penal Code.

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Learned counsel for the petitioner submits that there was an agreement between the informant and mother of the petitioner, namely,Geeta Devi, who is also a co-accused, for running Stone Crushing Mill and there is no allegation that there was any agreement between the petitioner and the informant. Learned counsel for the petitioner further submits that the said Geeta Devi, who according to the F.I.R. had an agreement with the informant and had violated the same has been enlarged on bail on the orders of this court dated 09.05.2007 passed in Cr. Misc. Case No. 47126 of 2006 filed for anticipatory bail. Learned counsel for the petitioner also avers that although the allegation is that the petitioner had exploded bomb at the place of occurrence but no remanant of any bomb was found at the place of occurrence. Learned counsel for the

petitioner further contends that the petitioner is in custody since 04.09.2007.

In the aforesaid facts and circumstances, this petition is allowed. Let petitioner, namely, Bijendra Dubey be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand)with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Pirpainty P.S. Case No. 249 of 2003.

Harish **(S.N. Hussain, J.)**

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